

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

AUG 11 2006

JOHN F. CORCORAN, CLERK  
BY: *J. Craft*  
DEPUTY CLERK

For the reasons stated in the accompanying memorandum opinion, it is now

## **ORDERED**

that respondent's motion to dismiss shall be and hereby is **GRANTED**. Petitioner's motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 shall be and hereby is **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and counsel of record for respondent.

**ENTER:** This 11~~8~~ day of August, 2006.

Mark Conrad  
United States District Judge